

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRUSTEES OF THE TEAMSTERS	:	
UNION, Local 142 Pension Trust	:	
Fund,	:	
 Plaintiff,	:	Case No. 3:04MC019
 vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
SCHRADERS, INC.,	:	
 Defendant.	:	

REPORT AND RECOMMENDATION¹

Because Plaintiff has taken no significant action in this case since filing its Motion for Judgment Debtor Exam in October 2004, and because has failed respond to the Court's Order to file a Status Report on or before October 18, 2005, this miscellaneous case should be dismissed pursuant to Fed. R. Civ. P. 41(b).

IT IS THEREFORE RECOMMENDED THAT:

This case be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

October 24, 2005

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).